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Attorneys for Defendant
CONNECTU, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG, Defendants.	Case No. 5:07-CV-01389-JW **DECLARATION OF STEVEN C. HOLTZMAN IN SUPPORT OF CONNECTU'S ADMINISTRATIVE MOTION TO SEAL** **(1) CONNECTU, INC.'S OPPOSITION TO FACEBOOK, INC. AND MARK ZUCKERBERG'S CONFIDENTIAL MOTION TO ENFORCE SETTLEMENT AGREEMENT;** **(2) SECOND DECLARATION OF EVAN A. PARKE;** **(3) SUPPLEMENTAL DECLARATION OF ROBERT T. CLARKSON;** **(4) DECLARATION OF ROBERT T. CLARKSON;** **(5) DECLARATION OF CAMERON WINKLEVOSS;** **(6) CORRECTED DECLARATION OF DONNA HITSCHERICH; AND** **(7) [PROPOSED] ORDER DENYING THE CONFIDENTIAL MOTION BY THE FACEBOOK, INC. AND MARK ZUCKERBERG TO ENFORCE A PURPORTED SETTLEMENT AGREEMENT**

Dockets.Justia.com

I, Steven C. Holtzman, declare as follows:

1. I am a partner with the law firm of Boies, Schiller & Flexner LLP, counsel to ConnectU, Inc. I am licensed to practice law in the State of California and have entered my appearance in this case. I have personal knowledge of the facts and circumstances set forth in this Declaration. I make this Declaration pursuant to Civil L.R. 7-11 and 79-5(b).

2. Good cause exists for sealing (1) ConnectU, Inc.'s Opposition To Facebook, Inc. And Mark Zuckerberg's Confidential Motion To Enforce Settlement Agreement; (2) Second Declaration Of Evan A. Parke In Support Thereof; (3) Supplemental Declaration Of Robert T. Clarkson In Support Thereof; (4) Declaration Of Robert T. Clarkson In Support Thereof; (5) Declaration Of Cameron Winklevoss In Support Thereof; (6) Corrected Declaration Of Donna Hitscherich In Support Thereof; And (7) [Proposed] Order Denying The Confidential Motion By The Facebook, Inc. And Mark Zuckerberg To Enforce A Purported Settlement Agreement.

Plaintiffs have taken the position that their Administrative Request and all papers filed in support thereof contain confidential information that is subject to the protection in the Stipulated Protective Order dated January 23, 2006. The materials requested to be sealed in this motion contain the same or related information that Plaintiffs contend is covered by that Protective Order and/or are alleged by Plaintiff to implicate confidentiality provisions found in a purported agreement that is the subject of dispute between the parties.[1]

3. This Administrative Motion is being made pursuant to Civil L.R. 79-5,

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[1] By filing this declaration, ConnectU does not waive any arguments or rights as to (i) the admissibility or inadmissibility of evidence surrounding the purported agreement, (ii) the confidentiality or non-confidentiality of information relating to the purported agreement, or (iii) the enforceability or unenforceability of the purported agreement.

which requires a Court order to seal documents and does not permit sealing by stipulation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 2nd day of June, 2008.

/s/ *Steven C. Holtzman*

Steven C. Holtzman

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 2, 2008.

Dated: June 2, 2008

/s/ *Steven C. Holtzman*
Steven C. Holtzman